

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

DEC 13 2004

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ERLAND CASSEL and JAN CASSEL

Application No. 09/887,144

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on October 1, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

A review of the Image File Wrapper (IFW) reveals that the Notice of Appeal filed August 13, 2003 is not an actual Notice of Appeal from appellants, but a United States Patent and Trademark Office (USPTO) generated RAM Fee History sheet. The RAM Fee History sheet is not a sufficient Notice of Appeal. The RAM Fee History sheet bears the paper no. 12^{1/2} and is dated October 23, 2003. The filing of a Notice of Appeal by appellants is required. Likewise, the request for extension of time filed on August 14, 2003 is missing from the IFW. This request for an extension of time should be filed as well.

Accordingly, it is

ORDERED, that the application is being returned to the Examiner to have a copy of the Notice of Appeal and the request for extension of time, filed August 13, 2003, scanned into the IFW and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:


KIMBERLY JORDAN
Program and Resource Administrator
(571) 272-9797

cc: Ronald L. Grudziecki
BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, VA 22313-1404

KJ/vsh
RA05-0063